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EXAMINER	
KIM, TAE K	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/517,018	HABER-LAND-SCHLOSSER ET AL.	
	Examiner	Art Unit	
	Tae K. Kim	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 December 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☒ Claim(s) *2, 17, 20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 December 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *03/04/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This is in response to the application filed on December 4, 2004 where Claims 1 – 24, of which Claims 1, 19, and 23 are in independent form, are presented for examination.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on March 4, 2005 was filed after the mailing date of the U.S. national PCT application on December 2, 2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

The drawings are objected to because they do not label or describe the processes illustrated by the flowcharts. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either

"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 2, 17, and 20 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Regarding Claim 2, evaluating and adapting the homepage regarding context related information is already claimed in the parent claim. Regarding Claim 17, a software tool and a computer program both comprising of program code are identical. Regarding Claim 20, there must be at least one component regarding the context related information for a processor to processing context related information.

Claim Rejections - 35 USC § 112

Regarding Claim 9, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 7, 8, 11, 19 – 21, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by the published thesis "Look Ma', My Homepage is Mobile!," written by Roger Kehr and Andreas Zeidler (hereinafter referenced as "Kehr").

1. Regarding Claims 1 and 2, Kehr discloses a method for automatically adapting the contents of a mobile homepage of a mobile telephone device in accordance with context related information of said device comprising of automatically determining context related information of said mobile telephone device and automatically adapting said mobile homepage in accordance with said determined context related information (Pgs. 1 – 3; discloses a mobile homepage system built on top of an implementation of small web server inside a SIM of a mobile communication device, where the homepage is dynamically adapted to the context a mobile user is currently in, such as location, text configuration notifying the status of the user or the mobile device).

2. Regarding Claims 3 and 4, Kehr discloses all the limitation of Claim 1 above. Kehr further discloses that the mobile device dispatches a communication request (Pg. 2; after incoming HTTP requests are parsed, the commands encoded in the URL are executed and the responses are sent back by SMS to the proxy where the server returns a document that describes the requested information).

3. Regarding Claim 5, Kehr discloses all the limitation of Claim 3 above. Kehr further discloses that the communication request is a multimedia call (Pg. 2; communication from the internet is achieved by a so-called proxy server and the HTTP

requests are tunneled within SMS messages sent from a mobile phone attached to the proxy server).

4. Regarding Claim 6, Kehr discloses all the limitation of Claim 1 above. Kehr further discloses that said context related information comprises communication properties (Pg. 2; returned homepage information can contain the country, the operator network, and location information).

5. Regarding Claim 7, Kehr discloses all the limitation of Claim 1 above. Kehr further discloses that the mobile device transmits the generated mobile homepage (Pgs. 2 – 3; the homepage is generated and automatically returned to the person requesting that information).

6. Regarding Claim 8, Kehr discloses all the limitation of Claim 1 above. Kehr further discloses that the mobile device receives an identification of the originator of a communication attempt (Fig. 2; Pg. 2; figure shows that the originator of the communication attempt is displayed to the user to determine whether or not the request should be answered).

7. Regarding Claim 11, Kehr discloses all the limitation of Claim 1 above. Kehr further discloses that the mobile telephone device can download the contents of a mobile homepage of said mobile telephone device, storing said downloaded mobile homepage on a server, said server containing a homepage, thereby automatically updating said homepage on said server according to said mobile homepage of said mobile telephone device (Pg. 3; each user has the ability to upload the homepage to the proxy server).

8. Regarding Claims 19 and 20, Kehr discloses a mobile telephone device comprising of a server that provides a server functionality to said mobile telephone device (Fig.1; Pg. 2; proxy server that implements many of the functionality needed for the provision of mobile users' homepages), a storage for storing at least one homepage on said mobile telephone device (Pg. 2 – 3; homepage is implemented inside a SIM, which has computing power and memory, inside the mobile device), characterized by a processor configured to determine context related information of said mobile telephone device and to adapt said homepage according to said determined context related information (Pgs. 2 – 3; homepages are dynamically adapted to the context a mobile user is currently in, which is processed by the SIM).

9. Regarding Claims 21, Kehr discloses all the limitation of Claim 19 above. Kehr further discloses that the mobile telephone device has a processor configured to connect said mobile telephone to a server, and configured to transfer the contents of a mobile homepage of said mobile telephone device to said server (Pg. 3; each user has the ability to upload the homepage to the proxy server).

10. Regarding Claim 23, Kehr discloses a server connectable to a mobile telephone device comprising of storage for storing at least one homepage, characterized by a processor configured for downloading a mobile homepage from said mobile telephone device, and a storage being connected to said processor for storing said downloaded homepage (Pg. 2 – 3; proxy server that can be used to download the mobile homepage acts as a gateway to the internet and also implements many of the functionality needed for the provision of mobile users' homepages).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of U.S. Appl. 2002/0180579 A1, filed by Tatsuji Nagaoka et al. (hereinafter referenced as "Nagaoka").

11. Regarding Claims 9 and 10, Kehr discloses all the limitations of Claim 6 as stated above. Kehr, however, does not specifically disclose that the communications properties comprise of information about a communication connection or communication state of the mobile telephone.

Nagaoka discloses the use of stored communication capacity information to determine how to display the requested service onto the mobile device: the maximum communication speed, display capacity, and communication standard associated with the corresponding model of the mobile telephone (Pg. 5, Para. 0085; Pg. 7, Para. 0133). It would be obvious to one skilled in the art to incorporate the teachings of Nagaoka with Kehr since the communication speed and other properties of the mobile device will determine how much homepage information can be stored within the mobile device and the speed in which this information can be delivered to a request of this information. The communication capacity information of a particular mobile device can determine how the homepage is delivered from the mobile device, which can be used to

determine possible solutions for low bandwidth or memory size that may lower the quality of service in supplying the homepage.

Claims 14, 16 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of U.S. Patent 5,956,487, invented by Chandrasekar Venkatraman (hereinafter referenced as "Venkatraman").

12. Regarding Claim 14, Kehr discloses all the limitations of Claim 1 as stated above. Kehr, however, does not specifically disclose that the homepage is an HTML or XHTML homepage.

Venkatraman discloses the use of HTML to create a webpage (Col. 3, Lines 29-30). It would have been obvious to one skilled in the art at the time the application was filed to create the homepage was an HTML file. HTML allows the homepage to contain text, images, multimedia files, forms, and tables that are supported by HTML protocols (Col. 3, Lines 39-41). The various object types that are supported by HTML allow the user to customize the homepage with more than simple text.

13. Regarding Claims 16 – 18, Kehr discloses all the limitations of Claim 1 as stated above. Kehr, however, does not specifically disclose of a software tool, computer program code, or a computer program product stored in a computer readable medium comprising of program code means for carrying out the steps of automatically adapting the contents of a mobile homepage when the program is run on a computer, a network device, or a mobile telephone device.

Venkatraman discloses that the web server functionality of a device includes software executed by a processor to serve the HTTP protocols commands and

generate the HTML formatted files (Col. 4, Lines 51-53). Venkatraman also discloses that the device includes a web server that provides web server functions (Fig. 1a; Col. 3, Lines 5-16) and that the communication mechanisms can include local area networks, cellular telephone links, serial communication links, or a direct connection to the internet (Col. 3, Lines 64 – Col. 4, Lines 4). Furthermore, Venkatraman discloses that the device comprises of a processor, memory, device-specific hardware, and input/output circuitry and the firmware or software is stored in the available memory (Fig. 1b; Col. 4, Lines 5-8 and 37-41). It would have been obvious to one skilled in the art at the time the application was filed that to create and modify a homepage requires that software or computer code is used to process the web server functionality necessary. Furthermore, it is also obvious to one skilled in the art that the software program is stored on a computer readable medium within the device. Software or computer code is necessary for a processor to determine how to process certain inputs and produce certain outputs within a communication system. Storing the software in a computer readable medium allows the processor to perform other its functions continuously without user input.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of U.S. Patent 6,430,624 B1, invented by Mark Jamtgaard et al. (hereinafter referenced as "Jamtgaard").

14. Regarding Claim 15, Kehr discloses all the limitations of Claim 1 as stated above. Kehr, however, does not specifically disclose that the homepage is a WML homepage.

Jamtgaard discloses the use of WML protocol to provide internet content on a mobile phone (Fig. 1; Col. 1, Lines 46-55). It would have been obvious to one skilled in the art at the time the application was filed that WML could also be used to display the homepage. A device that is able to support a multitude of different markup languages, protocols, and browsers will effectively establish a wireless presence within a given market.

Claim 12, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of U.S. Patent 6,496,949 B1, invented by Dimitri Kanevsky et al. (hereinafter referenced as "Kanevsky").

15. Regarding Claims 12, 22, and 24, Kehr discloses all the limitations of Claims 11, 21, and 23 as stated above. Kehr, however, does not specifically disclose that downloading is initiated when it is detected that the attainability of the mobile device is expected to be reduced.

Kanevsky discloses an emergency backup system for backing up data on one or more computer located in an identified danger zone where a remote sensor sends a signal to the "endangered" computers to download data when it detects the occurrence of an emergency condition (Abstract; Col. 2, Lines 27-49). Kanevsky further discloses that this system can be implemented within a wireless network and a PDA (Abstract). It would be obvious to one skilled in the art to incorporate the teaching of Kanevsky with Kehr due to the instability of wireless signals. When a wireless device is used to directly response to requests for information, downloading that information to another storage device whenever there are issues regarding the communicability of the wireless device

allows the requested information to be available if the wireless device is not. Backing up the data also allows retrieval of that information by the wireless device if any information is lost.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of U.S. Appl. 2002/0188887 A1, invented by Kenneth Largman et al. (hereinafter referenced as "Largman").

16. Regarding Claim 13, Kehr discloses all the limitations of Claim 1 as stated above. Kehr, however, does not specifically disclose that when the mobile device is not connectable, the communication request is rerouted to another device to retrieve that request.

Largman discloses an emergency startup system that switches to a separate data storing device within the system when the primary device is not available (Pg. 6, Para. 0128). It would be obvious to one skilled in the art to incorporate the teaching of Largman with Kehr due to the instability of wireless signals. When a wireless device is used to directly response to requests for information, alternative destinations to retrieve the required information if the wireless device is unavailable will provide consistent service to those requesting it.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Appl. 2002/0080190 A1 – backup and usage of secure copies of smart card data; U.S. Appl. 2002/0091770 – communications system using an automatically updating homepage.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae K. Kim, whose telephone number is (571) 270-1979. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby, can be reached on (571) 272-4017. The fax phone number for submitting all Official communications is (703) 872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the examiner at (571) 270-2979.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TKK

FRANTZ COBY
SUPERVISORY PATENT EXAMINER

9/28/2007